

60,130-1027; 01MRA0149

REMARKS

Claims 1-11 and 13-19 are presently pending in the application. Claims 1, 13 and 15 are in independent form. Claims 1-11 have been indicated as allowable over the art.

Claims 13-19 stand finally rejected under §103 over Goldberg in view of Mackle. Independent claim 13 requires detecting vehicle drive conditions including detecting vehicle yaw. Independent claim 15 requires detecting vehicle drive conditions including detecting a braking signal.

The rejection under §103 is improper for at least two reasons. First, the rejection indicated appears to be wrong; and Applicant is unclear as to what the Examiner is arguing. Specifically, the Examiner appears to be arguing anticipation over Goldberg or a single reference obviousness over Goldberg. The Examiner acknowledges that the basic reference, Goldberg, does not disclose the vehicle condition sensors to sense yaw or include a braking sensor. However, the Examiner goes on to argue on page 3 that "it could then be considered that the sensor detect vehicle yaw to be used to adjust the wheel geometry accordingly." But then, on page 4, the Examiner states he "is not relying on this interpretation." The Examiner's grounds for rejection of claim 13 are unclear. If the Examiner is making an argument that claim 13 is anticipated or obvious over Goldberg alone, then the Examiner must withdraw the finality of rejection to claim 13 and submit a new Office Action. In any event, Applicant requests clarification so that an appeal can be prepared.

Second, there is no motivation to modify Goldberg with the teachings of Mackle. The Examiner confuses this point by making the statement above that "it could then be considered that the sensory detect vehicle yaw to be used to adjust the wheel geometry accordingly" with respect to Goldberg. Either Goldberg teaches yaw or doesn't. Applicant submits that there is no teaching regarding the use of yaw in Goldberg. If there is no teaching Goldberg with respect to yaw, then the combination is improper because there is nothing in either Goldberg or Mackle to suggest to one of ordinary skill to integrate the system taught in Mackle into the system of Goldberg. Merely stating that "enhanced dynamic vehicle suspension performance" would be achieved is conclusory in nature and uses hindsight. The Examiner has been unable to point to any teaching in either of the references as to why one of ordinary skill in the art could combine the two separate systems based upon the teaching of the references.

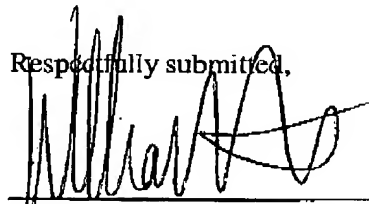
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If arguably Goldberg does teach detecting vehicle yaw, then the teachings of Mackle with respect to detecting vehicle yaw is duplicative and would provide no benefit to Goldberg. Again, the Examiner statement that "enhanced dynamic vehicle suspension performance" will be achieved is conclusory in nature and draws no support from any teachings in the references.

The Examiner motivation for combining the references finds no support in the references' teachings. Unrestrained by the teaching of the reference, there is just as much reason why one of ordinary skill would not combine the references. For example, combining Mackle with Goldberg adds significant cost to Goldberg, which is a negative result. As such, there combining Mackle with Goldberg is undesirable.

Applicant respectfully solicits allowance of these claims. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,



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